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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/766,690 | 01/27/2004 | Patrick Monney | 09623C-031510US | 2081 |
| 20350 | 7590 | 11/28/2005 | EXAMINER | |
| TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834 | | | NGUYEN, ANTHONY H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/766,690 | Applicant(s) MONNEY ET AL. | |
| | Examiner Anthony H. Nguyen | Art Unit 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 16-20 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 16, 17, 19 and 25 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bowles et al. (US 5,163,161) in view of Ikemori et al. (US 5,358,230).

With respect to claims 16 and 17, Bowles et al. teaches a receiver 10 having a keyboard (no numeral reference, shown in Figs. 1 and 3) which includes a volume control dial 104 disposed on the surface of the keyboard. The volume control dial includes a cylinder having an undulating surface and axis generally perpendicular to the keyboard surface (Bowles et al., Fig. 1). Bowles et al. does not teach the spring which presses against the surface of the cylinder to provide tactile feedback. Ikemori et al. teaches the conventional use of a spring 67 which presses against the surface of a cylinder 71 as shown in Figs. 16 and 17 of Ikemori et al. In view of the teaching of Ikemori et al., it would have been obvious to one of ordinary skill in the art to modify the keyboard of Bowles et al. by providing the spring as taught by Ikemori et al. for ease of operating a volume control dial. With respect to claim 25, note that Ikemori et al. teaches the spring having a small cylinder 66 which is smaller than the cylinder on which the spring is pressed as shown in Fig. 16 of Ikemori et al. With respect to claim 1, the use of a

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keyboard foot coupled to an edge of a keyboard for putting a keyboard in an inclined position is well known in the art.

Claim 18 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bowles et al. in view of Ikemori et al. as applied to claims 1, 16, 17, 19 and 25 above, and further in view of Charlton (US 5,929,774).

Bowles et al. and Ikemori et al. teach all that is claimed, except for the volume control dial which is moved toward and away from the keyboard surface. Charlton teaches the power/volume control dial 34 which is moved toward or away (i.e., pressed or unpressed the key) from the keyboard surface as shown in Fig.1 of Charlton. In view of the teaching of Charlton, it would have been obvious to one of ordinary skill in the art to modify the keyboard of Bowles et al. and Ikemori et al. by providing the volume control dial as taught by Charlton for quickly turning on the volume control dial.

Claim 20 is rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bowles et al. in view of Ikemori et al. as applied to claims 1, 16, 17, 19 and 25 above, and further in view of Nakada et al. (US 3,902,398).

Bowles et al. and Ikemori et al. teach all that is claimed, except the photoemitter and the photodetector. Nakada et al. teaches the sound volume control device having a photoemitter 18 and a photodetector 19 which detects the light through the slits of the plate 15 as shown in Figs.2-3 of Nakada et al. In view of the teaching of Nakada et al., it would have been obvious to one of ordinary skill in the art to modify the the volume control dial of Trent et al. by providing the photemitter and photodetector as taught by Nakada et al. to improve the efficiency of sending a signal to a processing unit.

Response to Arguments

Applicants' arguments filed on September 19, 2005 have been fully considered but they are not persuasive of any error in the new ground(s) rejection(s).

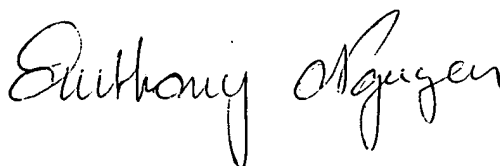
Conclusion

The patents to Marics et al., McEvilly, Lee and Waldrum are cited to show other structures having obvious similarities to the claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169.

The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

The fax phone number for this Group is (571) 273-8300.



Anthony Nguyen
11/18/05
Patent Examiner
Technology Center 2800